

In the United States Court of Federal Claims

No. 19-04C

(E-Filed: January 19, 2021)

JUSTIN TAROVISKY, et al.,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

ORDER

On December 1, 2020, defendant filed a motion to stay all proceedings in this case. See ECF No. 85. Plaintiffs filed their response on December 15, 2020, ECF No. 96, and defendant filed its reply on December 22, 2020, ECF No. 99. The motion is fully briefed and ripe for decision.

In the motion, defendant asks the court to stay all proceedings in this case “for 90 days while the Department of Justice reviews the [c]ourt’s decisions and considers interlocutory appeal” of this court’s decision denying defendant’s motion to dismiss in Rowe v. United States, Case No. 19-67C, ECF No. 57. See ECF No. 85 at 6. According to defendant, good cause exists for such relief because its motion to dismiss in this case was “virtually identical” to the motion in Rowe, and proceeding in this case “while [defendant] considers whether to seek interlocutory review, would waste the [c]ourt’s and the parties’ scarce and valuable resources.” Id. at 6-7. Defendant then predicts that the court will determine that interlocutory review is appropriate, and argues that a stay while such an appeal proceeds is warranted. See id. at 7-10. Plaintiffs oppose the motion. See ECF No. 96.

Defendant’s motion is premature. If it decides to seek an interlocutory appeal of the decision to deny its motion to dismiss in this case (or a sufficiently related case), the court may conclude that a stay to allow for such an appeal is warranted. Defendant, however, has not yet completed the work of determining whether it will pursue such a strategy. See ECF No. 99 at 2 (noting in the reply that defendant seeks a stay “for

purposes of completing the approval process” within the Department of Justice to pursue an interlocutory appeal). The court will not stay all proceedings in this case while defendant continues its deliberations.

Accordingly, defendant’s motion to stay proceedings, ECF No. 85, is **DENIED**. Defendant may re-urge a stay of proceedings in the event that it decides to pursue an interlocutory appeal that may impact the outcome of this case. The deadlines set forth in the court’s December 1, 2020 opinion, ECF No. 74, remain in effect.

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith

PATRICIA E. CAMPBELL-SMITH

Judge